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Statutory Notifications and Orders issued by
Heads of Departments.

NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

CONTENTS

JUDICIAL NOTIFICATION	Pages.
Amendments to the Criminal Rules of Practice, 2019	34-36

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JUDICIAL NOTIFICATION

THE HIGH COURT OF JUDICATURE AT MADRAS

Amendments to the Criminal Rules of Practice, 2019

(R.O.C.No. 48768-A/2017/F1)

No.SRO C-11/2022.

In exercise of the powers conferred by Article 227 of the Constitution of India, Section 477 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) and of all other powers thereunto enabling, the High Court of Judicature at Madras, with the previous approval of the Government of Tamil Nadu and the Government of Union Territory of Puducherry, hereby makes the following amendments to the Criminal Rules of Practice 2019, published in the *Tamil Nadu Government Gazette*, Part III—Section 2 (Supplement), Issue No.51-A, dated December 18, 2019, and the Gazette of Puducherry, Part-I, Extraordinary, Issue No.226, dated December 18, 2019. The Amendments shall come into force with effect from the date of publication in the Official Gazette.

AMENDMENTS

In the said Rules,-

(1) in rule 10,-

(i) for sub-rule (2), the following sub-rule shall be substituted, namely:-

"(2) When the accused volunteers to make a confession, he may make a request either orally or in writing to the Magistrate having jurisdiction over the case. The Magistrate shall forward such request to the Chief Judicial Magistrate of the district or the Chief Metropolitan Magistrate of the city, as the case may be, who shall thereafter nominate a Judicial Magistrate or a Metropolitan Magistrate, as the case may be, within his jurisdiction, other than the Magistrate having jurisdiction over the case, for the purpose of recording the confession of the accused.";

(ii) for sub-rule (7), the following sub-rule shall be substituted, namely:-

"(7) The Magistrate shall record the statement of the accused in camera during Court hours, save for exceptional reasons to be recorded in writing.";

(2) in rule 12, after sub-rule (4), the following sub-rules shall be added, namely:-

"(5) The application for bail in non-bailable cases shall ordinarily be disposed of without undue delay and within a period of seven days from the date of the first hearing. If, the application is not disposed of within such period, the Presiding Officer shall record reasons therefor in the order itself.

(6) The Presiding Officer may, in an appropriate case, in his discretion, insist on a response in writing to be filed by the Prosecutor in charge of the case and a copy of such response shall be furnished to the accused or his advocate.";

(3) in rule 25, in sub-rule (7), after clause (xxx), the following clause shall be added, namely:-

"(xxxi) List of statements of witnesses recorded and list of documents and materials seized, relied upon and not relied upon by the prosecution.";

(4) after rule 26, the following rule shall be inserted, namely:-

"26-A . Furnishing of list and right of inspection.—

(1) The Court shall furnish a copy of the list referred to in clause (xxxi) of sub-rule (7) of rule 25 to the accused while furnishing copies under section 207 of the Code.

(2) After the appearance of the accused before the Court in the case, the accused or his advocate may inspect the original records of the case with the permission of the Court in the presence of a responsible officer nominated by the Court during Court hours.";

(5) after Chapter VIII, the following Chapter shall be inserted, namely:-

"CHAPTER VIII-A

CHARGE AND RANKING OF THE ACCUSED AND WITNESSES

34-A Preparation of charge.— Charge shall be prepared and framed personally by the Presiding Officer with complete and total application of mind in Form No.32 of Schedule II of the Code.

34-B Manner of reference of accused.— After framing of charge, the accused shall be referred to by his name with his rank within brackets as assigned in the charge, in the deposition as well in the judgment. The rank of the accused as assigned in the charge, shall not be changed even in the event of his death or absconcence or for any other cause.

34-C Manner of reference of non-examined witnesses.— Where witnesses cited in the complaint or police report are not examined, they shall be referred to by their names with the numbers allotted to them in the complaint or police report in brackets while referring to them in the judgment.”;

(6) in rule 43, for sub-rule (1), the following sub-rule shall be substituted, namely:-

“(1) After a deposition has been read over to the witness, the deponent shall either sign in full or affix his thumb impression on every page. The Presiding Officer shall initial every page of the deposition. A certificate in the following form shall be appended at the foot of the deposition and the Presiding Officer shall affix his signature,-

.“Taken down by me/before me in open Court, interpreted/read over to the witness and admitted by the deponent to be correct”.

A hard copy of the deposition so recorded and duly signed to be a true copy by the Presiding Officer / Court Officer, shall be made available at free of cost against receipt to the accused or the advocate representing the accused and to the witness and the Prosecutor on the date of recording.”;

(7) in rule 49,-

(i) in sub-rule (1), for the expression “admitted in evidence”, the expression “admitted in evidence including electronic records” shall be substituted;

(ii) in sub-rule (1), after clause (v), the following clause shall be added, namely:-

“(vi) To easily locate the witness through whom the document was first introduced in evidence, the exhibit number shall further show the witness number of such witness after the exhibit number. If an exhibit is marked without proper proof, the expression “subject to proof” shall be mentioned within brackets.

Explanation.- If Prosecution Witness No.1 (PW1) introduces a document in evidence, that document shall be marked as Exhibit P-1/PW1. If proper proof is not offered for that document at the time when it is marked, it shall be marked as Exhibit P-1/PW1 (subject to proof). The second document introduced by PW1 will be Exhibit P-2/PW1.”;

(8) in rule 58, for sub-rules (5) and (6), the following sub-rules shall be substituted, namely:-

“(5) Seized currency notes and coins shall be remitted into the Treasury under the head “Criminal Court Deposit” or invested in a Fixed Deposit in the name of the Court in any of the Nationalised banks for safe custody, subject to orders passed under section 451 of the Code, under intimation to the police/investigating agency and not returned to them.

(6) All other valuable properties may be kept in a sealed box in the Treasury or in the property room of the Court or handed over to the specialised investigating agencies for safe custody with a direction to be brought to the Court for being marked as material objects, on proper identification.”;

(9) in rule 106, after sub-rule (3), the following sub-rule shall be added, namely:-

“(4) In addition to the statement in tabular form, referred to in sub-rule (1) above, every judgment of a trial Court shall have a ‘Case-Summary’ which shall contain the following particulars, namely:-

- (i) the period of remand of the accused;
- (ii) the date of filing of the complaint/final report in the Court;
- (iii) the date of committal of the case to the Court of Session;
- (iv) the date of questioning of the accused under Sections 228, 240, 246 and 251 of the Code, as the case may be;

- (v) filing of all miscellaneous petitions and their results including the results on challenge before superior Courts, except routine petitions like petitions under section 317 of the Code, etc;
- (vi) date of examination in-chief and cross-examination of a witness;
- (vii) date of examination of the accused under section 313 of the Code;
- (viii) details of absconcence of an accused and his appearance/production, as the case may be;
- (ix) grant of stay by superior Courts and the results thereof; and
- (x) details of victim compensation ordered.";

(10) in rule 149, for the expression "foolscap folio paper", the expression "A4 size paper having thickness of not less than 75 GSM" shall be substituted;

(11) in rule 221, in the first proviso to sub-rule (1), for the expression "foolscap paper of durable quality", the expression "substantially white A4 size paper having thickness of not less than 75 GSM" shall be substituted;

(12) in rule 252,-

(i) in sub-rule (8), for the expression "sufficient thickness and of foolscap size" the expression "substantially white A4 size paper having thickness of not less than 75 GSM" shall be substituted;

(ii) in sub-rule (9), for the expression "foolscap paper of sufficient substance" the expression "substantially white A4 size paper having thickness of not less than 75 GSM" shall be substituted.

High Court, Madras,
9th March 2022.

P. DHANABAL,
Registrar General.